

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AFFIDAVIT OF JOYCE W. ROTH

I, Joyce W. Roth, being first sworn, do hereby depose and say:

1. I am employed by the North Carolina Board of Nursing ("NCBON"). My official title is Associate Director, Organizational Development and Continuing Competence. My duties include, but are not limited to: oversight of continuing competence for all licensed nurses; oversight and approval of Nurse Aide II Programs; organizational and staff development for NCBON.

2. I have direct knowledge of the following facts, or have conducted reasonably diligent investigation so that I believe such to be true.

3. The NCBON is charged by statute with approving all Nurse Aide II ("NAII") courses in North Carolina, including the instructor, curriculum, and clinical requirements.

4. The NCBON maintains a NAII Registry System that lists all people who have successfully completed approved NAII courses. The NAII Registry System is a publically-available database used by North Carolina health care providers to verify listing of the NAIIs they employ. Upon successful completion of the NAII program, the approved instructor logs onto the NAII Registry System and certifies that students have met the requirements for an NAII. The instructor must use a unique combination of their Registered Nurse license number and social security number to log into the system.

5. On December 16, 2013, the NCBON received an initial application from North Carolina Medical Institute ("NCMI") (at that time the entity was known as CNA Health Courses)

for approval to offer the NAI course; however, the application did not meet NCBON requirements, and was not granted.

6. On February 3, 2014, the NCBON staff provided the owner of NCMI, Sherita McQueen, with detailed feedback on the requirements of the NAI course via email. Ms. McQueen revised and resubmitted the application, but it was still not in compliance, and was not granted. On March 31, 2014, NCBON staff again provided detailed feedback to Ms. McQueen via email and directed her to review the requirements of the NAI course.

7. On May 9, 2014, the NCBON received a new application from NCMI for approval to offer the NCAI course. The application included the required modules and corrected theory and clinical requirements, but the admission requirements for the proposed program still did not meet NCBON requirements. The NCBON provided Ms. McQueen detailed feedback via email on May 13, 2014.

8. On June 12, 2014, after Ms. McQueen submitted additional materials, the NCBON granted NCMI approval to offer the NAI course. At the time of approval, Cheryl Denise Williams, Registered Nurse ("RN"), was approved as the Program Director and Coordinator at CNA Health Courses. Ms. Williams was the only approved NAI instructor at that time. A true and accurate copy of this letter is attached as Attachment A.

9. On June 12, 2014, the same day approval was granted by the NCBON, the NCBON staff verified that Ms. McQueen was not an RN. A true and accurate copy of Ms. McQueen's email is attached as Attachment B.

10. On June 24, 2014, due to concerns identified by NCBON staff during the application process, Dr. Linda Burhans, Associate Executive Director, Practice, Regulation, and Education, NCBON, sent Ms. McQueen an additional letter, clarifying the requirements and

expectations for NCBON approved NAII courses. A true and accurate copy of this letter is attached as Attachment C. This letter clearly informed Ms. McQueen that no aspect of the course could be changed without prior approval by the NCBON, that Ms. Williams was the only person approved as an NAII instructor, that Ms. McQueen was not qualified or approved to teach any aspect of the NAII course, and that any additional instructors must be approved by the NCBON prior to teaching any aspect of the course.

11. On or about October 20, 2014, NCBON received a complaint from a student who had attended the NAII course at NCMI. On or about the same time, NCBON staff had identified an advertisement on Craig's List for an NAII course at NCMI that was of concern.

12. On October 20, 2014, NCBON staff contacted Ms. McQueen via email, requesting information about NCMI's NAII program including past program schedules and the names of all instructors and students. A true and accurate copy of this email is attached as Attachment C.

13. On October 20, 2014, Ms. McQueen responded that Ms. Williams was no longer employed by NCMI, and asked for Jodi Lynn McFadyen to be approved as the Program Coordinator. Ms. McFadyen was thereafter approved to be the Coordinator and Instructor. A true and accurate copy of this email is attached as Attachment D.

14. In Ms. McQueen's October 20, 2014, response, she responded with some of the information the NCBON requested, but not all of it. The class and clinical schedule that Ms. McQueen provided did not match the narrative she gave. NCBON staff continued to try to obtain schedule clarification and all other information that was requested.

15. On January 12, 2015, NCBON staff sent an email to Ms. McQueen to once again clarify NCBON requirements, request additional information, and inform Ms. McQueen of

information she was now required to submit to NCBON prior to and following each NAIH course. Ms. McQueen responded to the email, requesting that Samantha Chavis be approved as an NAIH instructor, in addition to Ms. McFadyen. A true and accurate copy of this email is attached as Attachment E.

16. On May 20, 2015, NCBON was notified by Scott Corl, Executive Director of the North Carolina Office of Proprietary Schools that the Proprietary Schools Board had officially refused to recommend renewal of NCMI's license. On that same day, NCBON sent a certified letter to Ms. McQueen directing her to immediately cease offering any NAIH classes, courses, or clinical instruction. A true and accurate copy of this letter is attached as Attachment F.

17. On May 21, 2015, NCMI was closed in the NCBON electronic NAIH Registry System. The system was also set to block any access from NCMI.

18. A search of the NAIH Registry System revealed that between October 5, 2014, and May 14, 2015, fifty (50) original NAIH entries were made using NCMI's credentials. NCMI's owner, Ms. McQueen, was included amongst these entries with an NAIH listing date of January 20, 2015.

19. All of the fifty (50) original NAIH entries on the NAIH Registry that were entered between October 5, 2014, and May 14, 2015, used the RN license number and social security number of Ms. Williams.

Joyce W. Roth

Sworn to and subscribed before me

This the ____ day of _____, 2015

(Signature of Notary Public)

(Printed Name of Notary Public)

My commission expires: _____

ATTACHMENT A

Peggy C. Walters, EdD, MSN, MEd, NEA-BC
Chair
Sara A. Griffith, MSN, RN, PCCN
Vice-Chair
Julia L. George, RN, MSN, FRE
Executive Director



P.O. Box 2129
Raleigh, North Carolina 27602
919.782.3211
FAX 919.781.9461
Nurse Aide II Registry 919.782.7499
www.ncbon.com

APPROVAL LETTER

June 12, 2014

Cheryl Williams
CNA Health Courses
114 Anderson St.
Fayetteville, NC 28301

Dear Ms. Williams:

This letter is to inform you that the Nurse Aide II Training and Competency Evaluation Program you submitted has been approved and assigned an approval number:

16071

When corresponding with the Nurse Aide II Registry regarding your Nurse Aide II program, please be sure to include your program approval number.

The following are approved as clinical resources:

Kings Wood Nursing Center, Aberdeen, NC

The following have been approved as faculty:

Cheryl Williams, RN (Program Coordinator and Program Director)

Please note any change in the Nurse Aide II curriculum, class schedule, additional clinical facilities or additional faculty must be approved by the Board of Nursing in writing prior to implementation.

Further, please be advised that students must be notified that they must submit online their application for initial listing within 30 days after completion of the Nurse Aide II program. The Program Coordinator must complete the online verification process before the students can register. Your program's user id is 16071 and the password is HeCr435.

If you have any questions, or if you need additional information, please do not hesitate to contact me. My email address is tammy@ncbon.com and my telephone is 919-782-3211 x281.

Sincerely,

Tammy Edelen
Organizational Development Coordinator

ATTACHMENT B

Joyce Roth

From: Joyce Roth
Sent: Thursday, June 12, 2014 4:56 PM
To: Linda Burhans
Subject: FW: Faculty Data Sheet

From: Tammy Edelen
Sent: Thursday, June 12, 2014 1:00 PM
To: Joyce Roth
Subject: FW: Faculty Data Sheet

From: Antoinette McQueen [<mailto:cnahealthcourses@yahoo.com>]
Sent: Thursday, June 12, 2014 12:01 PM
To: Tammy Edelen
Subject: Re: Faculty Data Sheet

I am not an RN, I am a BLS Health Care Provider and Heart Saver Instructor, and a Phlebotomy Instructor

On Thursday, June 12, 2014 11:14 AM, Tammy Edelen <tammy@ncbon.com> wrote:

Are you an RN or do you hold any other listings or licensure?

From: Antoinette McQueen [<mailto:cnahealthcourses@yahoo.com>]
Sent: Thursday, June 12, 2014 11:03 AM
To: Tammy Edelen
Subject: Re: Faculty Data Sheet

Hello, I am not teaching, my employee Ms. Cheryl Williams will be instructing in my facility

On Thursday, June 12, 2014 10:04 AM, Tammy Edelen <tammy@ncbon.com> wrote:

Sherita,
Can you send me your nursing license number and also we will need you to complete the faculty data sheet attached if you will be teaching in the NAIL program. I could only find a faculty data sheet for Cheryl Williams.
Once I receive this I can get this letter out to you.
Thank you.

Tammy Edelen,
Organizational Development Coordinator

ATTACHMENT C

Peggy C. Walters, EdD, MSN, MEd, NEA-BC
Chair
Sara A. Griffith, MSN, RN, PCCN
Vice-Chair
Julia L. George, RN, MSN, FRE
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If you have any questions, or if you need additional information, please do not hesitate to contact me. My email address is tammy@ncbon.com and my telephone is 919-782-3211 x281.

Sincerely,

Tammy Edelen
Organizational Development Coordinator

ATTACHMENT D

Joyce Roth

From: Antoinette McQueen <cnahealthcourses@yahoo.com>
Sent: Monday, October 20, 2014 3:12 PM
To: Joyce Roth
Subject: Re: Information Needed
Attachments: CHC Faculty Form.doc; Joni McFayden Resume.docx; NA II In Class Schedule.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Ms. Joyce,

Based on the advertising add on craigslist the schedule is a 7 week course Mon-tues-thurs- and fri for any make ups. What was sent to you is an updated schedule for up coming classes and we will have everything updated this week. We have had a meeting this morning with the clinical site @10am for updated clinical rotations for our students and I sent that to you in the last email and I will send that to you again to be sure. As for clinicals, we had made an agreement with Ms. Susan Sloop DON of kingswood nursing center and a clinical schedule and after approval and class scheduled we were told that Ms. Susan was no longer there and there was a new DON Ms. Wendy and Mr. Marvin which we manage to meet and have had an update orientation. We had a rough start with our first class and we have only had one class. Ms. Cheryl Williams is our Nurse Aide instructor and we are replacing her as Program Coordinator. I have emailed a request to Ms. Tammy and she helped me and sent me document to be completed for process. Ms. Joni McFayden, RN 21yrs exp. and that applies to all qualifications will be on board with us. After having a rough start with our first class it has come to our attentions that we were told that Ms. Williams was not complying with regulations. After clinicals I was informed that students did not reach the amount of schedule and clinicals and we have informed the site that she will not be returning. Clinical schedule for 2014 is supposed to be Wednesdays and Saturdays. I am attaching all documents requested if there is anything else needed please let me know, Thank you Ms. Joyce!

Students:

Danielle Jordan 252-368-1050
Shaneshia Dawkins 910-336-0012
Marcy Baldwin 910-885-4080
Amber Crawford 910-723-0440
Pamela Cornwell 828-404-9685

CNA-Health Courses
114 Anderson St.
Fayetteville, NC 28301
(910)261-7110
Ms. McQueen

On Monday, October 20, 2014 12:05 PM, Joyce Roth <joycer@ncbon.com> wrote:

Good Afternoon, Antoinette,

I have seen the ad placed on Craig's List for a Nurse Aide II Course. Based on this ad, and the class schedule that you sent to me at my previous request, I now need the following information to assure compliance with the NAII program requirements:

1. A list of all of the instructors who have taught in any NAII program that you have offered. If you have also taught any portion of the class or clinical, I need to know that also.
2. Class and clinical schedules for all NAII courses that you have offered since your NCBON approval on June 12, 2014.
3. A list and contact information for all NAII students who have attended classes that you have offered.

Thank you for your prompt attention to this request.

Joyce

Joyce Roth, RN, MSN, NE-BC, SWP
Associate Director Organizational Development

North Carolina Board of Nursing
P.O. Box 2129
Raleigh, NC 27602

Phone: (919) 782-3211 ext. 269
Fax: (919) 781-9461

joycer@ncbon.com

"Serving the Public Through Regulatory Excellence"

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ATTACHMENT E

Joyce Roth

From: Antoinette McQueen <cnahealthcourses@yahoo.com>
Sent: Monday, January 12, 2015 2:19 PM
To: Joyce Roth
Subject: Re: CNA Health Courses
Attachments: IMG_20150112_0001.pdf

Hello and thank you for the information, I and our staff is going to view and go over the information and we also need approval from you with one more faculty that we need on board with us, faculty data sheet is attached. I have read through 1-5 and I understand all information provided. I am also going to gather a staff meeting to go over the information. We appreciate you working with us, Thank you

CNA- Health Courses
114 Anderson St.
Fayetteville, NC 28301
(910)261-7110

On Monday, January 12, 2015 1:21 PM, Joyce Roth <joycer@ncbon.com> wrote:

Good Afternoon, Antoinette,

I have had a chance to review all of the information that you submitted to the Board about the CNA Health Courses NAII Program. I am sending this email for several reasons identified below, and ask that you respond that you have received it and understand the requirements outlined in the email.

1. Joni Lynn McFayden is approved as a NAII Instructor for the CNA Health Courses NAII program. Please be advised that at this time she is the **only** approved NAII Instructor for your NAII classes. No other person may plan the course, or teach any portion of class, lab, or clinical without prior approval from the North Carolina Board of Nursing. Just a reminder - since you do not hold a Registered Nurse license, you are not qualified to teach any aspect of the course at any time. Doing so would be a violation of NCBON Rules and would place the program approval in jeopardy.
2. You are **not** approved to offer any part of this course on line at this time. Once the course has been offered in compliance with the NCBON Rules for a period of time, an online portion may be considered. You **may not** offer any portion of the course online until specific approval has been granted to do so.
3. The list of NAII program graduates that you submitted does not fully coincide with the listing in the NCBON NAII Registry. Please clarify if Kerendal Alford and Alpha Graham attended and successfully completed the NAII program at CNA Health Courses, and if so, why they were not included in the list *that you submitted to NCBON upon our request to you*.
4. Class time and clinical time appear to be scheduled simultaneously on Wednesdays on the schedules that you have submitted. This will not meet the specified class/clinical hours for the course. Please submit a new schedule that will meet all of the requirements prior to offering your next NAII course.
5. In order to validate compliance with the NCBON NAII Rules, you must submit the following information to me **prior to** each course offering until further notice:
 - a. any advertising that you do for the course
 - b. the course classroom and clinical locations

- c. the instructor planning and teaching all aspects of the course
- d. the course class and clinical schedule
- e. a list of the students enrolled in the course

At the completion of the course, you must submit to me a list of the NAII students who successfully completed the course within one week of the course completion.

I look forward to working with you to clarify any questions that you have so that you can consistently offer NAII programs in compliance with the NCBON Rules for NAII programs.

Joyce

Joyce Roth, RN, MSN, NE-BC, SWP
Associate Director Organizational Development

North Carolina Board of Nursing
P.O. Box 2129
Raleigh, NC 27602

Phone: (919) 782-3211 ext. 269
Fax: (919) 781-9461

joycer@ncbon.com

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NC BOARD OF NURSING

P.O. Box 2129
Raleigh, North Carolina 27602
919.782.3211
FAX 919.781.9481
Nurse Aide II Registry 919.782.7499
www.ncbon.com

NURSE AIDE II

FACULTY DATA SHEET

Organization : CNA-Health Courses
Street : 114 Anderson St.
City : Fayetteville NC 28301
Telephone Number : (910) 261-7110
Program Coordinator : Samantha Chavis
Program Approval
Number(s) : _____
Program Approval
Number(s) : _____

Name (As on RN license) : Samantha Chavis
Certificate # 161710 Social Security # 241-257-4719

Dates of Employment
(at least two years of direct patient care as a Registered Nurse)

Mo/Yr to Mo/Yr	Place of Employment
<u>06/14 - 08/14</u>	<u>Fastaff agency</u>
<u>06/12 - present</u>	<u>Trinity staffing group</u>

Describe experiences teaching adult learners: Instructor of TNCC, Clinical instructor for Nursing students

Title:

PLEASE CHECK THE APPROPRIATE TITLE

☐ Program Coordinator
☐ Program Director
☒ Faculty

OFFICE USE ONLY

VERIFIED BY:

DATE _____
TOTAL MONTHS: _____

ATTACHMENT F

Martha Ann Harrell, Public Member
Chair
Jacqueline F. Ring, RN, MBA, MHA
Vice-Chair
Julia L. George, RN, MSN, FRE
Executive Director



P.O. Box 2129
Raleigh, North Carolina 27602
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May 20, 2015

Sherita McQueen, Director
North Carolina Medical Institute (formerly CAN-Health Courses)
114 ½ Anderson Street
Fayetteville, NC 28301

Dear Ms. McQueen:

The North Carolina Board of Nursing (NCBON) has been notified by Scott Corl, Executive Officer in the Office of Proprietary Schools, North Carolina Community College System (NCCCS), that the State Board of Proprietary Schools refused to recommend your school for license renewal when it met on Friday, May 8, 2015. Therefore, your current proprietary school license will be null and void effective June 30, 2015.

Based on this information, I am notifying you that **you may not offer any NAII classes, courses, and clinical instruction effective immediately.**

You must notify me in writing no later than June 1, 2015 that you have received this notification; that you will cease all NAII classroom and clinical instruction; and identify your plan for permanent storage of student records.

Should you obtain a proprietary school license in the future and wish to offer NAII classes and clinical instruction, you must submit a new NA II Program Application which includes a copy of your proprietary school license and a written request to resume your NAII program. This letter must include a description of the changes implemented to bring you into full compliance with Office of Proprietary Schools, NCCCS and NCBON laws and rules. You must obtain NCBON approval to offer NAII classes and clinical instruction **prior to** resuming your NAII program.

Sincerely,

A handwritten signature in cursive script that reads "Linda D. Burhans".

Linda D. Burhans, RN, PhD
Associate Executive Director
Practice, Regulation, and Education
lburhans@ncbon.com

Cc: Julie George
Joyce Roth
Tammy Edelen
Scott Corl
Kathy Turner